



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
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**NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST REGIONAL OFFICE, HABITAT CONSERVATION DIVISION
ESSENTIAL FISH HABITAT GENERAL CONCURRENCE
FOR CERTAIN MARINE EVENTS AUTHORIZED BY THE
UNITED STATES COAST GUARD
IN NAVIGABLE WATERS IN THE SOUTHEASTERN UNITED STATES**

PURPOSE: To efficiently conduct essential fish habitat (EFH) consultations required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), for certain marine events requiring United States Coast Guard (USCG) authorization in navigable waters of the southeastern United States.

BACKGROUND: Individuals or organizations planning to hold a regatta or marine parade which by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States are required to submit an application to the USCG according to 33 U.S.C. Section 1233 and 33 CFR Part 100.15. USCG Commandant Instruction Manual 16751.3 (COMDTINST M16751.3), dated March 20, 2013, provides direction and policy to USCG District and Sector Commanders regarding marine events.

The Magnuson-Stevens Act requires federal agencies involved in permitting (or licensing), funding, or undertaking actions which may adversely impact EFH to consult with NMFS regarding their activity's impacts on EFH. In the Southeast Region, USCG Districts 5, 7, and 8 and their subordinate Sectors consult with the Habitat Conservation Division (HCD) regarding marine events which may adversely affect EFH.

Impacts to EFH from anchoring and boat grounding events are well documented. Therefore, vessels and structures integral to marine events, as well as vessels conveying spectators, may impact EFH when anchoring or operating in shallow waters. However, individual and cumulative impacts of activities authorized by USCG marine events permits can be greatly reduced through the use of best management practices. COMDTINST M16751.3 Chapter 5. Paragraphs M. and F. specify compliance with the Magnuson-Stevens Act and coordination procedures, respectively. For certain types of actions resulting in no more than minimal adverse effects to EFH individually and cumulatively, NMFS may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(g).

QUALIFYING CRITERIA: In order for federal actions to qualify for a General Concurrence, NMFS must determine the following criteria of 50 CFR 600.920(g)(2) are met:

The actions must be similar in nature and similar in their impact on EFH (50 CFR 600.920(g)(2)(i)(A)): Marine events are generally an organized water event of limited duration, conducted according to a prearranged schedule, and require the positioning or anchoring of vessels, markers or other infrastructure. Examples of events include but are not limited to: fireworks displays on or near waterways, races, marine parades, water ski shows,

air shows, swim races, barge concerts, excursions with numerous vessels, and the blessing of a fleet.

The actions must not cause greater than minimal adverse effects on EFH when implemented individually (50 CFR 600.920(g)(2)(i)(B)): Marine events are generally an organized water event of limited duration, conducted according to a prearranged schedule and subject to conditions of Coast Guard Permit for Marine Event, Form CG-4424, issued under authority of 33 U.S.C 1233 and COMDTINST M16751.3 dated March 20, 2013.

The actions must not cause greater than minimal cumulative adverse effects on EFH (50 CFR 600.920(g)(2)(i)(C)): Most marine events are long established annual occurrences (e.g., fireworks and parade events) with some being biennial or less frequent (e.g., boat race circuits). Additionally, events are of limited duration, conducted according to a prearranged schedule, and subject to conditions of Coast Guard Permit for Marine Event, Form CG-4424, issued under authority of 33 U.S.C 1233 and COMDTINST M16751.3 dated March 20, 2013. Therefore, cumulative effects are anticipated to be minimal.

Actions qualifying for a General Concurrence must be tracked to ensure their cumulative effects are no more than minimal (50 CFR 600.920(g)(2)(ii)): See Notification procedure below. Additionally, USCG COMDTINST M16751.3 Chapter 8. requires marine event permitting activities to be documented using the Marine Information for Safety and Law Enforcement enterprise database. Chapters 7 and 9 outline monitoring, evaluation, and continuous improvement of marine event permitting.

GENERAL CONCURRENCE: Based on the above, the NMFS has determined the following are authorized for EFH General Concurrence:

Marine events where the event plan (for safety mitigation and environmental protection) associated with a USCG marine event permit demonstrates or otherwise ensures the following:

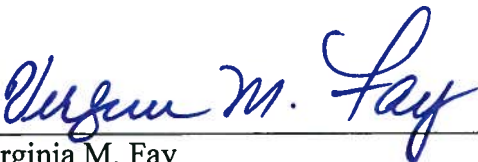
1. Vessels, platforms, or barges associated with the marine event shall not be anchored on, over, or within 100 feet of coral, coral reef, live/hardbottom, oyster, salt marsh, or seagrass habitat.
 - i. In rare instances when deemed impractical by the USCG, vessels associated with the marine event required to be sited over coral, coral reef, live/hardbottom, oysters, or seagrass habitat shall maintain their position in a manner to not disturb the seabed, such as use of on-board propulsion systems or auxiliary vessels.
2. Anchors and/or spuds for any vessel, platform, barge, or marker associated with the marine event shall not be placed on coral, coral reef, live/hardbottom, oyster, salt marsh, or seagrass habitat.
 - i. For marine events occurring in areas supporting coral, coral reef, live/hardbottom, oysters, or seagrass habitat, divers shall be used to guide placement and retrieval of anchors into patches of bare bottom to ensure

entangling these habitat types does not occur.

3. Anchorages and/or beaching areas designated for spectator vessels shall avoid coral, coral reef, live/hardbottom, oyster, salt marsh and seagrass habitat.
4. Participants in the marine event shall be informed that releasing debris into the water during marine events is prohibited.
5. Outreach methods such as event related websites and brochures, print media, public service announcements, and/or signage at local boat ramps shall inform the public regarding:
 - i. The locations and presence of, as well as the need to avoid: coral, coral reef, live/hardbottom, salt marsh, oyster, and seagrass habitats.
 - ii. The release of debris into the marine environment is prohibited.
6. For powered watercraft races only, a minimum five-foot clearance between the lowest/deepest point of watercraft and the seabed shall be maintained throughout the course.

NOTIFICATION: When applying this General Concurrence to a permit application, the USCG shall send an e-mail notification (or copy of a memorandum to the file) to the Habitat Conservation Division at nmfs.ser.ehfgeneralconcurrence@noaa.gov.

EFFECTIVE DATES: NMFS will periodically review its findings of General Concurrence and may revise or revoke a General Concurrence if new information indicates the covered actions are having an adverse effect on EFH. This General Concurrence becomes effective on the date signed below and shall remain valid until revoked by the Southeast Regional Office Habitat Conservation Division.



Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

January 2, 2015

